

10/563696

IAP20 Rec'd PCT/PTO 05 JAN 2006

S/N Filed Herewith

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DIOGUARDI et al.	Examiner:	Unknown
Serial No.:	Filed Herewith	Group Art Unit:	Unknown
Filed:	January 5, 2006	Docket No.:	09728.0347USWO
Title:	METHOD AND APPARATUS FOR ANALYZING BIOLOGICAL TISSUES		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 495843359 US
Date of Deposit: January 5, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: 

Name: David Ortiz

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Enclosed for the Examiner's information is a copy of the International Search Report. At least some of the references were recently cited in an International Search Report mailed April 16, 2004.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. § 1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

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No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

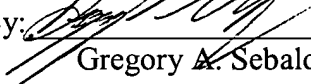
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612)332.5300

Dated: January 5, 2006

By: 
Gregory A. Sebald
Reg. No.: 33,280

GAS/mkc



Date Mailed: January 5, 2006

Sheet 1 of 2

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 09728.0347USWO	Application Number: 10/563696 Filed Herewith
	Applicant: DIOGUARDI et al.	
	Filing Date: January 5, 2006	Group Art Unit: Filed Herewith

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,162,990	11/1992	Odeyale et al.			

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Merchant, F.A. et al. "Semi-automatic morphological measurements of 2-D and 3-D microvascular images" PROCEEDINGS OF THE INTERNATIONAL CONFERENCE ON IMAGE PROCESSING (ICIP) AUSTIN, vol. 3, conf. 1, Nov. 13-16, 1994, pps. 416-420.
		Howard, V. "The confocal microscope as a tool for probing 3-D geometry" BIOMEDICAL IMAGE PROCESSING, PROCEEDINGS OF SPIE, vol. 1245, Feb. 12, 1990, pps. 46-60.
		Wendt, U. et al. "On the influence of imaging conditions and algorithms on the quantification of surface topography" JOURNAL OF MICROSCOPY, vol. 207, pt. 3, Sept. 2003, pps. 169-179.
		Carlsson, Kjell "3D representation of microscopic specimens using confocal microscopy and digital image processing" BIOMEDICAL IMAGE PROCESSING, PROCEEDINGS OF SPIE, vol. 1245, Feb. 12, 1990, pps. 68-80

23552
PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

